

MONICA L. BERMUDEZ
Attorney at Law, SBN 275434
1670 M Street
Bakersfield, CA 93301
Tel: (661) 616-2141
Fax: (661) 322-7675

Attorney for Defendant, TILISHA MORRISON

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TILISHA MORRISON,

Defendant.

Case No.: 1:22-CR-177 NODJ-BAM

Defendant Tilisha Morrison's Request And
Order For Funds For Travel, Lodging, And
Subsistence Pursuant To 18 U.S.C. §4285 and
the Criminal Justice Act 18 U.S.C. §3006A

1. Introduction and Summary of Argument

Ms. Morrison is scheduled for a sentencing hearing on April 8, 2024, at 8:30 a.m. She is a life-long resident of the Texas area and lives there now. Ms. Morrison is indigent and requests funds to allow her to travel to her sentencing hearing and return home after that proceeding. Due process requires that the necessary funds be provided.

As to Ms. Morrison's post-sentencing and return travel home, Defense counsel will request that Ms. Morrison remain out of custody. Should the Court order Ms. Morrison to serve time in custody, a request will be made to allow Ms. Morrison to self-surrender so she can arrange her affairs before reporting to custody.

2. Due Process Requires The Provision Of The Requested Funds

On June 17, 2022, United States Magistrate Rebecca Rutherford, of the United States District Court, Northern Division of Texas, ordered Ms. Morrison released on bond with no opposition from the United States Government. Ms. Morrison has complied with her terms of release without incident.

Ms. Morrison's indigency is clear as reported on her financial affidavit at the time of her initial appearance. Ms. Morrison is currently employed as a dispatch supervisor at AHI Supply and earns \$25.00 per hour. She currently pays \$1985 a month in rent, \$400 a month in utilities, \$500 on her car payment and \$130 month for her cellphone. Ms. Morrison is a single mother of two children and is the sole provider of her family.

There is unambiguous statutory authority for this Court to direct the United States Marshal to furnish Ms. Morrison with the cost of travel to Fresno, California, so that she can attend court in Fresno on April 8, 2024, *See*, 18 U.S.C. § 4285. Pursuant to that statute, Ms. Morrison requests the United States Marshal provide her with subsistence expenses during her travel period not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

Several cases have held that § 4285 does not obligate the Marshalls Service to pay an indigent defendant's subsistence expenses – food and lodging – once the defendant arrives and can attend Court. Of course, the defendant has a due process right to attend her court proceedings and cannot be forced to choose between surrendering herself into custody or to go without food and lodging while attending court. *See, United States v. Badalamenti*, 1986 WL 8309 (S.D.N.Y. Jul. 22, 1986). In *United States v. Mendoza*, 734 F.Supp.2d 281, 286-87, (E.D.N.Y. 2010), the Court found that the Criminal Justice Act, 18 U.S.C. §3006A, provided the appropriate funding mechanism for a

1 defendant's lodging and subsistence expenses while he is away from home for court proceedings
2 and for the cost of return travel and subsistence.

3 Based on those precedents, Ms. Morrison requests funding for her travel and subsistence as
4 follows:
5

6 (1) From the United States Marshall for the cost of travel to Fresno, California, so that
7 she can attend court in Fresno on April 8, 2024, and subsistence during that travel,
8 pursuant to 18 U.S.C. § 4285.

9 (2) From funds authorized under the Criminal Justice Act, 18 U.S.C. §3006A, for the
10 defendant's lodging and subsistence expenses while she is in Fresno on April 7, 2024
11 and April 8, 2024 for her sentencing, and for the cost of her return travel home and
12 subsistence during that travel.

13 (3) From any other source the Court finds appropriate for the travel and subsistence
14 expenses noted above.

15 Undersigned counsel is informed and believes this Court is inclined to order travel and subsistence
16 funding as referenced in (1) and (2) above and to further authorize undersigned counsel to advance
17 the subsistence expenses specified in (2) above with reimbursement to counsel from Criminal
18 Justice Act (CJA) funds ordered by the Court.
19

20 Counsel will provide defendant Morrison with a copy of the travel funds document which
21 is attached to the proposed order and advise Ms. Morrison of her potential liability for excess
22 expenses. Counsel will seek reimbursement from CJA funds promptly once the authorized travel
23 is completed.
24

25 Dated: March 16, 2024

Respectfully submitted,

26 /s Monica L. Bermudez
27 MONICA L. BERMUDEZ
3 Attorney for defendant
TILISHA MORRISON

ORDER

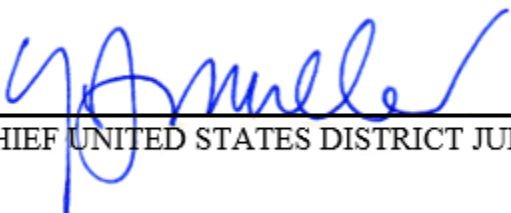
Pursuant to 18 U.S.C. § 4285, the Court orders the United States Marshal to furnish Tilisha Morrison with the cost of travel from Dallas, Texas to Fresno, California, so that she may attend court in Fresno on April 8, 2024, at 8:30 a.m. Additionally, the United States Marshal shall provide Ms. Morrison with subsistence expenses for this travel period not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

Pursuant to 18 U.S.C. § 3006A, the Court orders the Federal Defender's Office to disburse Criminal Justice Act (CJA) funds to furnish Tilisha Morrison with the cost of lodging, food, and incidental expenses while she is in Fresno, California between April 7-8, 2024, in connection with her court appearance on April 8, 2024, at 8:30 a.m. It is further ordered that CJA funds shall be disbursed by the Federal Defender's office for travel and subsistence to enable Ms. Morrison to return to her home in Fort Worth, Texas when that court proceeding is completed. It is further ordered that to the extent practicable, the travel and subsistence expenses shall not exceed the parameters set out in the attached Travel Funding Memorandum and the per diem allowance for travel under 5 U.S.C. § 5702(a).

It is further ordered that undersigned counsel may advance the travel and subsistence funds to be disbursed from CJA funds and that the Federal Defender is ordered to reimburse counsel. Counsel shall seek any reimbursement from CJA funds promptly once the authorized travel is completed. Counsel shall endeavor to limit the expenses to the parameters set out in the attached Travel Funding Memorandum, however counsel is not personally liable for excess expenses and shall be reimbursed from CJA funds for all expenses reasonably authorized.

IT IS SO ORDERED.

DATED: March 25, 2024.


CHIEF UNITED STATES DISTRICT JUDGE